



JPW

Attorney Docket No.: 67471-16  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Shuichi TAKAYAMA, et al. : Customer No.20277  
Serial No.: 10/045,802 : Confirmation No.: 2973  
(DIV of SN: 09/301,284) :  
Filed: October 19, 2001 : Group Art Unit: 2124  
Examiner: JOHN Q. CHAVIS  
For: PROCESSOR FOR EXECUTING INSTRUCTIONS...FOR SUCH PROCESSOR

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 7, 2005, having a shortened statutory period for response set to expire February 7, 2005, wherein the Examiner required restriction between the following Groups:

- |           |   |  |
|-----------|---|--|
| Group I   | - | Claims 12-15 and 33-36, drawn to optimizing code;            |
| Group II  | - | Claims 16-23 and 37-44, drawn to an assembler or linker; and |
| Group III | - | Claims 24-27, drawn to a dis-assembler.                      |

Applicants elect Group I, claims 12-15 and 33-36, for initial prosecution on the merits.

Applicants also reserve the right to file a Divisional Application for the non-elected

claims 16-27 and 37-44, which the Examiner has indicated is patentably distinct. Applicants would like to bring to the attention of the Examiner that claims 28-32 were canceled in a Preliminary Amendment upon filing of the above-identified Divisional application.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: \_\_\_\_\_

2/7/05

By: \_\_\_\_\_

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